

## STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

1. **Name of Board, Committee or Council:** Tennessee Massage Licensure Board

**Amendments included in the notice of rulemaking hearing that are not discussed in this statement have no economic impact to small businesses.**

2. **Rulemaking hearing date:** December 18, 2007
3. **Types of small businesses that will be directly affected by the proposed rules:**

License massage therapists, individuals who seek to become licensed massage therapists, owners of massage establishments, and massage therapy educational programs.

4. **Types of small businesses that will bear the cost of the proposed rules:**

License massage therapists, individuals who seek to become licensed massage therapists, owners of massage establishments, and massage therapy educational programs.

5. **Types of small businesses that will directly benefit from the proposed rules:**

- a) Massage establishments will benefit from no longer having to provide a waiting area for clients.
- b) Massage establishments will benefit from having additional choices in the selection of toilets.
- c) Massage establishments will benefit from the less stringent proposed language regarding maintenance of equipment and supplies.
- d) Individuals who seek to become licensed massage therapists will benefit from an additional approved exam.
- e) License massage therapists and owners of massage establishments will benefit from not having to submit a notarized photograph and affidavit when requesting a replacement license.
- f) Massage therapy educational programs will benefit from having additional time to notify the Board of changes made in their operation.
- g) Massage therapy educational programs that may have presently been denied board approval will benefit from the Board having the option of granting "probational approval status" in addition to its current authority to withdraw program approval.

- h) Massage therapy educational programs will benefit from the minimum standard for continued approval pertaining to a calendar year instead of six (6) months.
- i) Massage therapy educational program directors will benefit from no longer being directly responsible for the conduct of instructors and students.
- j) Massage therapy educational programs will benefit from the less specific proposed language regarding policies and procedures.
- k) Massage therapy education programs will benefit from the proposed requirement to have, instead of all instructors, only one (1) individual certified in Basic Life Support.

**6. Description of how small business will be adversely impacted by the proposed rules:**

- a) Massage establishments may incur additional expenses in order to comply with the proposed sprinkler and smoke detector requirements.
- b) License massage therapists, individuals who seek to become licensed massage therapists, owners of massage establishments will incur additional expenses in the form of fee increases.
- c) Massage establishments may face difficulties with being held to the same ethical standards as licensed massage therapists.
- d) Massage therapy educational programs seeking board approval may incur additional expenses when submitting a complete copy of the program catalog.
- e) Massage therapy educational programs that may have presently been granted full approval reluctantly by the Board will suffer if they are instead granted “probational approval status.”
- f) Massage therapy educational programs will incur expenses for approval and renewal fees that are not presently being charged.

**7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

Except for the proposed general fee increase and the proposed fees for massage therapy educational programs, the Board does not believe there are less burdensome alternatives because these proposed rules are consistent with the Board’s responsibility to protect the health, safety and welfare of the citizens of Tennessee.

With regard to proposed general fee increase and the proposed fees for massage therapy educational programs, the Board does not believe there are less burdensome alternatives because of statutory requirements concerning fiscal responsibility of all state agencies.

**8. Comparison of the proposed rule with federal or state counterparts:**

**Federal:** The Board is not aware of any federal counterparts. Massage therapists, establishments, and educational programs are not licensed by the federal government.

**State:** The proposed rule amendments regarding establishments are not inconsistent with other health-related professional boards that license or permit establishments or facilities, those being the Board of Dentistry, the Board of Veterinary Medical Examiners, and the Tennessee Medical Laboratory Board.

The proposed rule amendments regarding massage therapy educational programs are not inconsistent with other health-related professional boards that regulate educational programs, those being the Tennessee Medical Laboratory Board, the Board of Nursing, and the Board of Electrolysis Examiners.